

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 14 2019

JAMES W. MACK, CLERK
By: [Signature]
PLAINTIFF
DEP CLERK

Stansel Pro Use AD# 658848

CASE No. 5:19-cv-00115-JM-JTK

V.

Wendy Kelley, et al.

Defendants

Plaintiff's objection to Defendants Motion to Dismiss

1. The Plaintiff was diagnosed with Gender Dysphoria by a licensed psychiatric professional on February 9, 2018. (See PE 3, PG 3.) Gender Dysphoria presents a serious medical need that requires treatment to comply with the 8th Amendment. See, *Meriwether v. Faulkner*, 821 F.2d 408 (5th Cir. 1987). The 8th Amendment requires prisons to provide adequate medical care to a prisoners' serious medical need. See, *Estelle v. Gamble*, 429 U.S. 97, 103 (1976).

2. On March 1, 2018, Defendant Parker acted with deliberate indifference to the Plaintiff's serious medical need by denying her adequate medical care. (See PE 1, PG 1) The grounds for his denial was based off of a blanket band policy in AD# 14-19 which prevents hormone treatment from being prescribed unless it's to

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to treat inmates who have been castrated by means of self inflicted genital mutilation. (See PE 5, pg 8) This blanket band violates the plaintiff's 8th and 14th Amendment rights. (see, Fields, 653 F.3d at 557-58; De'Lonta, 338 F.3d at 635; ALLARD V. GOMEZ, 9 F. App'X. 793, 795 (9th Cir. 2001)

3. Defendant Griffin acted with deliberate indifference to the plaintiff's serious medical need by denying her adequate medical care through the exhaustion of the plaintiff's grievance procedure on February 28, 2019 (see PE 4, pg 4) The basis for her denial also relied on the blanket band policy in AP# 14-19. (see PE)

4. The plaintiff was diagnosed with a serious medical need by a licensed professional. The plaintiff has a right to adequate medical care to her serious medical need. The Defendants acted unconstitutionally when they acted with deliberate indifference by denying the plaintiff adequate medical care to her serious medical need, when they based their denial off of a blanket band, thus violating the plaintiff's

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8th Amendment right to be free of cruel and unusual punishment and her 14th Amendment right to Equal protection.

5. The Defendant's motion to dismiss should be denied as is, and the plaintiff's suit should proceed.

Wherefore, the Plaintiff respectfully requests that the Defendant's motion to Dismiss be denied and award any and all just and proper relief to which she may be entitled.

Respectfully Submitted:

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